

Notice of Allowability

Application No.

09/885,524

Examiner

William L. Miller

Applicant(s)

LAVOIE, MARK M.

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment received 11-12-2004.
2. ☒ The allowed claim(s) is/are 1-18, 20 and 22-37.
3. ☒ The drawings filed on 20 June 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>02152005</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Conway on 02-10-2005.

The application has been amended as follows:

In the claims:

Claim 1, line 7, before "washer" insert --removable--;

Claim 17, line 7, before first recitation of "washer" insert --removable--;

Claim 22, line 7, before "washer" insert --removable--;

Claim 23, line 7, before first recitation of "washer" insert --removable--;

Claim 32, line 6, before first recitation of "washer" insert --removable--;

Claim 33, line 5, before "washer" insert --removable--;

Claim 33, line 7, change "or" to --and--; and

Claim 37, line 7, before "washer" insert --removable--.

2. The following is an examiner's statement of reasons for allowance: Regarding claim 1, Dinan et al. (US#5212898) discloses a sign comprising: a main body being viewed as elements 11 and 12 collectively such that the main body includes a first surface 11 and a second surface 12; an overlay 61 removably attachable to the first surface in a first position and the second

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surface in a second position (such as element 62); and at least two fasteners 70 movably attached to the overlay for removably securing the overlay to the first surface, each fastener passing through an oversized hole in the overlay (i.e. the hole in the overlay has a diameter greater than the diameter of the fastener as shown in Fig. 8) and movably secured to the overlay with a removable washer (middle washer 75 shown in Figs. 7-8), each washer spacing the overlay from the main body when the overlay is attached to the main body in the first position (see Fig. 8), i.e. attached to the first surface. However, when the overlay is attached to the main body in the second position, i.e. attached to the second surface, washer element 71 provides the spacing between the overlay and the main body, and this washer is not removable as now claimed by the applicant. Moreover, washer element 71 is formed integrally with the fastener (col. 5, lines 32-38). It would not have been obvious to one of ordinary skill in the art to modify Dinan such that a removable washer spaced the overlay from the main body when the overlay was attached to the main body in the second position, i.e. attached to the second surface.

3. Regarding claim 16, Dinan discloses all of the limitations except for the fasteners including an expandable shank that deforms when passing through a hole in the main body and expands after passing through the hole to removably secure the overlay to the main body. It would not have been obvious to one of ordinary skill in the art to modify Dinan such that the fasteners included an expandable shank that deformed when passing through a hole in the main body and expanded after passing through the hole to removably secure the overlay to the main body.

4. Claims 17, 22, 23, 32, 33, and 37 include the allowable subject matter discussed above with respect to claim 1 and therefore are allowable for at least the same reason(s).

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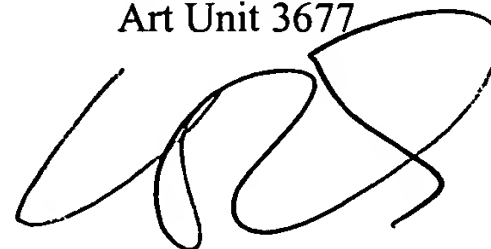
5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is 703 305 3978. The examiner can normally be reached on Tuesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703 306 4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William L. Miller
Primary Examiner
Art Unit 3677



WLM
02-14-2005